

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL DON SMITH,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-06-1434-HE
	)	
DAVID PARKER,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Michael Don Smith, a state prisoner appearing *pro se*, instituted this action under 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Bana Roberts, who has recommended that the petition be denied.

Although the court previously granted the petitioner an extension until December 21, 2008, he failed to file any objections to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation and **denies** the petition for a writ of habeas corpus.

**IT IS SO ORDERED.**

Dated this 13th day of January, 2008.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE